

Book reviews

The Vatican, the Law and the Human Embryo

Michael J Coughlan, viii + 125 pages, London, £35.00 hb, £12.99 pb, Macmillan, 1990

The two best books on the human embryo which this reviewer has read were written, the one by a professed Roman Catholic, the other 'against a Catholic background', which may mean the same thing. They are *When Did I Begin?*, by Norman M Ford (Cambridge, 1988) and this book by Michael Coughlan. Both demonstrate that the judgements and prohibitions of the Vatican *Instruction on Respect for Human Life in its Origin and on the Dignity of Procreation*, of February 1987, rest on flawed rational arguments bolstered by religious presuppositions; they cannot therefore command the acceptance of civil legislatures or of communities outside the Roman Catholic community of faith. To secure that wider acceptance they must be argued for in a manner which does not rely upon unsupported religious propositions.

This conclusion is not a product of a modern secular rationalism, but of the central Catholic tradition of moral reasoning wrought by St Thomas Aquinas out of Aristotle. Recent magisterial teaching departs from this by demanding, in one area of moral concern alone – the procreation and protection of the human embryo – an absolute application of natural law principles, into which moral theology has always admitted flexibility of application.

The status of the human embryo cannot properly be discussed without attention either to the contemporary scientific understanding of its development, or to the Aristotelian

theory of *hylomorphism*, the essential co-existence of material and form. So the essence of the human person is to be thought of as the embodiment of rational soul, the seat of that person's rational powers. The argument which Coughlan constructs from these data is finely wrought; and, given careful attention, it offers the serious reader what he should be looking for.

The special value of human life is considered in Catholic teaching (and in the contemporary hyperbolic misinterpretations of it), in Biblical absolutism and in natural law. The claim of the *Instruction* that 'from the moment of conception, the life of every human being is to be respected in an absolute way' (Introduction, s 5) is shewn to be derived from religious revelation, not from natural law; it is based on man's place, not in nature, but in a supernatural relation with God. And what is 'a human being'? Is it synonymous with 'human life'? And what further is required before we may speak of 'an individual' and of 'a person'? These distinctions are well drawn, with close attention to the biological substrate of any of them. Following Boethius, it is an individual partaking in rational nature which matters for personality, for on this all major attributions, as of self-consciousness and moral agency, depend. The life of the early human embryo cannot be 'human' in any stronger sense than the biological – that the cells of which it is composed are those of the species *homo sapiens*. The claim of the *Instruction* that 'the conclusions of science ... provide a valuable indication for discerning by the use of reason a personal presence at the moment of the first appearance of a human life' (I.1) is simply not true. The potential may no more be equated with the actual than the clay on the wheel may be equated with the particular finished pot or the acorn with the oak which springs from it. And, for well-

argued reasons, 'conception' should be identified with implantation in the womb – as in the ordinary use of language it has always been – and not with fertilisation.

One refuge remains: to abandon reasoning for scepticism and attach benefit to doubt. Given an unassailable historical and philosophical tradition which relates animation or ensoulment to morphological development – to an organism so formed as to be capable of rational ensoulment – the Magisterium since 1869 (trapped by its own proclamation of the Immaculate Conception of Mary in 1854) has decreed that the fetus is to be treated *as though* ensouled from the moment of conception, though it dare not claim that it is. So, it must be inviolate, lest homicide be inadvertently committed. No such doubt has inhibited the Vatican from declaring licit the withdrawal of ventilation at the other end of life, when there must be similar doubt whether the soul has 'departed'. In fact, scepticism of this sort can lead only to moral paralysis and a retreat from any attempt at a rational moral system. The Church may not do this without infidelity to its own tradition and abandonment of its posture as the universal guardian of human rights. A Church which, in obedience to revelation, so dallies with unreason is not a credible teacher of natural justice to the State.

Dr Coughlan has discharged his task with clarity, discipline of language and emotion, and evident moral seriousness.

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